

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

AGENDA

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, May 26, 2009

7:00 P.M.

1. **CALL TO ORDER, MAYOR ROSEANN MINNET**
2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
3. **INVOCATION**
4. **PRESENTATIONS**
 - a. Presentation recognizing the VFD for recent significant events
 - b. Proclamation recognizing National EMS week
 - c. Gift to Town from Mr. Jerry Sehl
5. **PUBLIC COMMENTS**
6. **REPORTS**
 - a. Finance and Budget Monthly Report – April 2009 (Manager Colon)
 - b. Development Services Monthly Report – April 2009 (Assistant Town Manager Olinzock)
 - c. Municipal Services Monthly Report – April 2009 (Assistant Town Manager Olinzock)
 - d. BSO Police Monthly Report – April 2009 (Chief Gooding)
 - e. VFD Fire Monthly Report – April 2009 (Chief Perkins)
 - f. AMR EMS Monthly Report – April 2009 (Operations Manager Liddle)
 - g. Alley Way Report (Town Engineer Shaun Bamforth)
7. **PUBLIC SAFETY DISCUSSION**

8. TOWN MANAGER REPORT

- a. Notice of approval for placement of AT&T cabinet within the utility easement located at 229 Hibiscus
- b. Notice of approval of a minor site plan revision submitted by Minto Developers for building regarding building colors
- c. Town Manager shall have authority to waive parking fees for local government agencies use of the Bougainvillea Drive Parking lot for public good for of period of time not to exceed 24 hours.

9. APPROVAL OF MINUTES

- a. April 28, 2009 Regular Meeting Minutes
- b. April 29, 2009 Regular Meeting Minutes continued from April 28, 2009
- c. May 13, 2009 Workshop Minutes

10. ORDINANCES

1. Ordinances 1st Reading - "Public Comments"

- a. **Ordinance 2009-23:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE SEA AMENDING CHAPTER 6, ARTICLE IV, SECTION 6-71 THRU 6-75 PROVIDING FOR THE ISSUANCE OF TOWN PERMITS FOR WORK WITHIN THE PUBLIC RIGHT-OF-WAY AND/OR UTILITY EASEMENTS AND ESTABLISHING A FEE SCHEDULE FOR ENGINEERING AND DEVELOPMENT SERVICES INSPECTION, PERMIT REVIEW AND ADMINISTRATIVE COSTS; PROVIDING FOR CODIFICATION AS ARTICLE IV OF CHAPTER 6 OF THE CODE OF ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE

2. Ordinances 2nd Reading – "PUBLIC HEARING"

- a. **Ordinance 2009-20:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE IX "NOTICE OF INTENT OF PENDING LAND DEVELOPMENT REGULATIONS" OF THE CODE OF ORDINANCES, TO EXEMPT FROM THE ADMINISTRATIVE PROCEDURES REQUIRING NOTICE OF PENDING LAND DEVELOPMENT REGULATIONS THOSE ORDINANCES THAT ONLY REGULATE ACCESSORY USES OF RESIDENTIALLY ZONED PROPERTY AND TO PROVIDE FOR METHOD OF MAILING NOTICE TO APPLICANTS; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE

- b. Ordinance 2009-19:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA AMENDING SECTIONS 12-2(c) AND 12-22 OF ARTICLE I, "BUSINESS TAXES," CHAPTER 12, "LICENSES," OF THE CODE OF ORDINANCES; AND CREATING A DEFINITION OF "VACATION RENTAL" IN SECTION 30-155, ALLOWING VACATION RENTALS AS AN ACCESSORY USE IN THE RS-4, RS-5, RD-10, RM-25 AND RM-50 ZONING DISTRICTS, AND CREATING SECTION 30-327 "VACATION RENTALS," FOR RELATED SUPPLEMENTAL ZONING REGULATIONS, ALL WITHIN ARTICLE V "ZONING," CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS" OF THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE
- c. Ordinance 2009-21:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING SECTION 10-32 "TEMPORARY DISCONTINUATION OF SERVICE" OF ARTICLE II "CONTAINERS AND RECEPTACLES," CHAPTER 10 "GARBAGE AND REFUSE" OF THE CODE OF ORDINANCES IN ORDER TO REDUCE THE MINIMUM TIME PERIOD FOR FILING OF A REQUEST FOR TEMPORARY DISCONTINUATION OF SOLID WASTE SERVICES FOR SINGLE-FAMILY RESIDENCES; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE

11. COMMISSIONER COMMENTS

12. CONSENT AGENDA

- a.** Commission approval of the renewal of hurricane disaster agreements with Tele-Vac, PBS&J, and Man Con beginning June 1, 2009 thru June 1, 2011 (Assistant Town Manager Olinzock)
- b.** Bel Air entrance signs. Commission to approve location, site layout, and final design drawings (Assistant Town Manager Olinzock)
- c.** Draft policy on mitigation of code compliance fines and recorded liens as directed by the Town Commission. Mitigation of fines adjudicated by the Special Magistrate can be mitigated by the Magistrate if not recorded with Broward County (Exhibit A) and if recorded may be mitigated by the Town Commission (Exhibit B) (Assistant Town Manager Olinzock)
- d.** Commission approval of the proposed location of the median cut on El Mar Drive by Minto as approved on March 19, 2009 by the Commission and John Carter (Minto) (Assistant Town Manager Olinzock)
- e.** Commission approval of issuance of fifty (50) parking permits for Broward County Coastal Cleanup, Saturday, September 19, 2009, 8:00 AM till 2:00 PM, Bougainvilla Parking Lot (Assistant Town Manager Olinzock)

- f. Commission approval of special event permit application for Athena By The Seas "Wine and Food Festival" event, Saturday, July 4, 2009, 8:00 AM till Sunday, July 5, 2009, 11:00 PM (Assistant Town Manager Olinzock)
- g. Commission approval of special event application for the Stamper Deluca wedding, Saturday, July 11, 2009, 6:00 PM to 8:00 PM (Assistant Town Manager Olinzock)
- h. Commission approval of special event application for the Lauren Katzenstein Celebration Ride 2009, Sunday, June 28, 2009, 7:30 AM till 2:00 PM (Assistant Town Manager Olinzock)

13. RESOLUTION – "Public Comments"

- a. **Resolution 2009-14:** A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ADOPTING AND PROVIDING FOR AN AUTOMATIC ANNUAL INCREASE IN RATES ON PARKING FEE SCHEDULE

14. QUASI JUDICIAL PUBLIC HEARINGS

15. OLD BUSINESS

- a. Discussion and/or action regarding Kite Surfing (Vice Mayor McIntee) *This item was deferred at the April 28, 2009 Commission meeting*
- b. Selection of winner of the El Mar Drive Design Project as per presentation at the 4/14/09 Commission meeting (Mayor Minnet)
- c. Discussion and/or action for an Ordinance to ban "totters" from prowling the streets of town stealing valuable recycling material from the refuse collector (Commissioner Dodd) *Deferred at the May 12, 2009 Commission meeting by Commissioner Dodd*
- d. Discussion and/or action concerning RFP's and annual renewable contracts over \$15,000. Progress update from March 10th request (Commissioner Dodd)
- e. Discussion and/or action by Town Commission regarding the selections of Town Banners (Assistant Town Manager Olinzock)

16. NEW BUSINESS

- a. Discussion and/or action regarding donations (Commissioner Dodd)
- b. Discussion and/or action regarding holding a single August Commission meeting (Commissioner Dodd)

- c. Discussion and/or action amending Town code regulations for owners of private property, not adjacent to public right of way, to allow for less restrictive outdoor seating provisions (Commissioner Silverstone)
- d. Discussion and/or action between County Building Department and Town Building Department (Vice Mayor McIntee)
- e. Discussion regarding the Town's financial situation with future outlook (Vice Mayor McIntee)
- f. Discussion on presentation of life saving awards to those who assisted in rescue of drowning swimmers last weekend (Commissioner Clotney)

17. TOWN ATTORNEY REPORT

- a. Notice of a shade session to obtain the Town Commission's advice on potential settlement negotiations and strategy related to litigation expenditures in the matters of Coastal Arms, Inc. v Town of Lauderdale-By-The-Sea; James Edmondson v. Town of Lauderdale-By-The-Sea; The Palm Yacht & Beach Club, Inc. v. Town of Lauderdale-By-The-Sea; and Delrado, Inc. d/b/a El Dorado Club v. Town of Lauderdale-By-The-Sea, pursuant to Section 286.011(8), Florida Statutes.

18. ADJOURNMENT

19. FUTURE AGENDA ITEMS

June 9, 2009 - Ordinance 2009-14 "Noise"

June 9, 2009 - Ordinance 2009-24 "Amend Beach Parking Parking Limitation"

June 9, 2009 - Town Sign at A1A and Commercial Blvd

June 9, 2009 - May 13, 2009 Workshop results regarding height/assets and election date

June 23, 2009 - Amendment to Enforcement Technology, Inc. Agreement

July 14, 2009 - Ordinance 2009-10 Amending Chapter 30

November 24, 2009 - Environmental Sustainability Committee

THE TOWN OF LAUDERDALE-BY-THE-SEA WILL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES NECESSARY TO AFFORD INDIVIDUALS AN EQUAL OPPORTUNITY TO PARTICIPATE IN MEETINGS OF THE TOWN COMMISSION. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATUTE 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE TOWN CLERK NO LATER THAN TWO (2) DAYS PRIOR TO THE MEETING AT (954) 776-0576 FOR ASSISTANCE.

Town Commission Regular Meeting Agenda
May 26, 2009

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE TOWN COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSES MAY NEED TO INSURE THAT A VERBATIM RECORDING OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.